HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 9413 of 2007

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Between:

K. Pedda Ratnam

…Petitioner

And

The Commissioner,
Municipal Corporation of Kurnool,
& others

….Respondents.

:: O R D E R ::

Counsel for the petitioner : Shri S.Lakshmi Narayana Reddy

30.04.2007

Per G.S. SINGHVI, CJ

In this petition, the petitioner has prayed for issue of a mandamus to Commissioner, Municipal Corporation of Kurnool to take action against the alleged illegal unauthorized construction being raised by respondent Nos. 2 and 3 in plot bearing No.45/185-68A situated in Narasimha Reddy Nagar, Kurnool District.

We have heard Sri S.Lakshminarayana Reddy and perused the record. In our opinion, the writ petition is liable to be dismissed summarily because,

(i) the petitioner has already filed suit for permanent injunction for removal of the structure raised by respondent Nos. 2 and 3. When the petitioner has thought it proper to avail remedy by filing civil suit, there cannot be any justification to allow him to file writ petition in a related matter;

(ii) the petitioner has not impleaded the Municipal Corporation, Kurnool as party to the writ petition. The Commissioner, who has been impleaded as respondent No.1 in the writ petition is only a functionary of the corporation and not the corporation which is a creature of the Andhra Pradesh Municipalities Act, 1994 (for short, 'the 1994 Act') and without impleading the corporation, the petitioner cannot seek a direction for removal of the so-called illegal construction raised by respondent Nos. 2 and 3, and

(iii) the petitioner has not produced any tangible evidence to show that respondent Nos.2 and 3 are raising construction in violation of the provisions contained in the 1994 Act or the building rules, regulations or byelaws or the sanctioned plan.

For the reasons mentioned above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.12001 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

30.04.2007
ksld

HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.7391 of 2007

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Between:
Dr.T.K. Srinivasulu

…Petitioner

And

The State Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Health, Medical & Family Welfare Department,
Hyderabad & others

….Respondents.

:: O R D E R ::

Counsel for the petitioner : Shri T.K. Srinivasulu,
Petitioner, party-in-person

27.04.2007

Per G.S. SINGHVI, CJ

Heard the petitioner and perused the record.

Since the private respondents are holding the post of Professor and the petitioner is holding the post of Assistant Professor, there cannot be any lis between them in the matter of seniority.

The writ petition is dismissed.

(reasons to be recorded)

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

27.04.2007
ksld